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9 Attorneys for United States of America

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,)
14 Plaintiff,) No. 09-02308 WHA
15 v.)
16 APPROXIMATELY \$8,800 IN)
AMERICAN EXPRESS TRAVELERS')
CHECKS; AND ONE PENTAX 35mm)
CAMERA, SERIAL NUMBER 1318242)
17)
18 Defendant.)
19 _____
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28)

UNITED STATES' STATEMENT OF NON-
OPPOSITION TO CLAIMANT GARY
HARDEMAN'S MOTION TO STAY
FORFEITURE PROCEEDING AND
[PROPOSED] ORDER

20 The United States does not oppose claimant's motion to stay this case. Pursuant to
21 18 U.S.C. § 981(g)(2):

22 "Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding
23 with respect to that claimant if the court determines that--(A) the claimant is the
24 subject of a related criminal investigation or case; (B) the claimant has standing to
25 assert a claim in the civil forfeiture proceeding; and (C) continuation of the
26 forfeiture proceeding will burden the right of the claimant against
27 self-incrimination in the related investigation or case."

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1 Because claimant appears to meet these criteria, the United States does not oppose a stay of this
2 case.

3 However, given the ambiguity of claimant's request, including the difficulty for the Court
4 or the United States to determine when claimant's state criminal case has been resolved, the
5 government requests that the Court set a status conference in 180 days, order claimant to provide
6 a status report prior to that conference, and stay the present case until that time.

7 Respectfully submitted,

8 JOSEPH P. RUSSONIELLO
9 United States Attorney

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11 Dated: August 3, 2009
12 DAVID COUNTRYMAN
13 Assistant United States Attorney

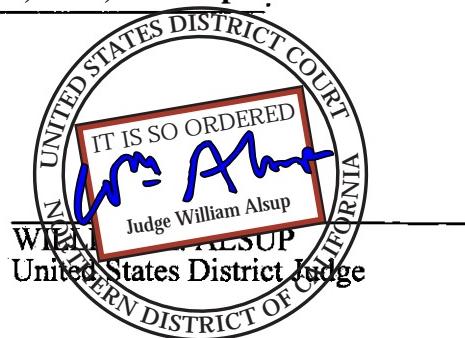
14 **ORDER TO STAY**

15 Based upon claimant Gary Hardeman's Motion to Stay Forfeiture Proceedings, the United
16 States' non-opposition, and for good cause appearing, it is HEREBY ORDERED that the instant
17 case be, and hereby is, STAYED, pursuant to 18 U.S.C. § 981(g) until _____
18 a **STATUS CONFERENCE** which will be held **FEBRUARY 18, 2010, AT 11:00 a.m.**

19 It is FURTHER ORDERED that claimant Gary Hardeman file a status report as to his
20 state prosecution no later than February 11, 2010, at 5:00 p.m.

21 SO ORDERED.

22 DATED: August 18, 2009



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28 UNITED STATES' STATEMENT OF NON-OPPOSITION TO CLAIMANT GARY
HARDEMAN'S MOTION TO STAY FORFEITURE PROCEEDING AND [PROPOSED]
ORDER

No. 09-02308 WHA

1 CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that she is an employee in the Office of the United States
3 Attorney for the Northern District of California and is a person of such age and discretion to be
4 competent to serve papers. The undersigned further certifies that she caused a copy of

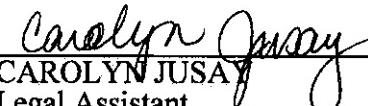
- 5 • United States' Statement of Non-Opposition to Claimant Gary Hardeman's
6 Motion to Stay Forfeiture Proceeding and [Proposed] Order

7 to be served this date via United States first class mail delivery upon the person(s) below at the
8 place(s) and address(es) which is the last known address(es):

9 Gary Hardeman
10 2226 41st Avenue
 San Francisco, CA 94116

11 I declare under penalty of perjury under the laws of the United States of America that the
12 foregoing is true and correct to the best of my knowledge.

13 Executed this 3rd day of August, 2009, at San Francisco, California.

14
15 
16 CAROLYN JUSAY
17 Legal Assistant
 Asset Forfeiture Unit